

# INTERNATIONAL UNION OF OPERATING ENGINEERS

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## Engineers Political Education Committee



August 8, 1997

### HAND DELIVERED

Ms. Amy Suzanne Reynolds  
Reports Analyst  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Re: C00121673  
30 Day Post-General Report  
(10/17/96-11/25/96)

Dear Ms. Reynolds:

The International Union of Operating Engineers/Engineers Political Education Committee ("IUOE/EPEC") (C00029504) submits this letter on behalf of one of its affiliated committees, IUOE Local 463 Federal PAC ("Local 463"), in response to a preliminary review recently sent to Local 463 concerning the above-referenced report.

During our July 30, 1997 telephone conversation, you informed me that the FEC reports of Fricano for Congress show that the committees affiliated with IUOE/EPEC have complied with the \$5,000.00 contribution limits for Mr. Fricano's primary and general election campaigns as a result of a \$500.00 refund from Fricano for Congress to Local 463 in November 1996. IUOE/EPEC records of contributions from its affiliated committees to Mr. Fricano confirm that its affiliated committees are in full compliance with the contribution limits.

IUOE/EPEC records show that four of its affiliated committees made contributions to Mr. Fricano's primary election campaign for an aggregate contribution of \$5,500.00. In addition to Local 463's \$1,000.00 contribution to Fricano for Congress in June 1996, IUOE Local 17 Political Action Committee ("Local 17") and Engineers Voluntary Political Action Fund Local 832 ("Local 832") each made \$2,000.00 contributions in June 1996, and IUOE Local 15 Political Action Committee made a \$500.00 contribution in June 1996. On November 18, 1996, Fricano for Congress refunded \$500.00 to Local 463 after it was discovered that the aggregate contribution for the primary election campaign exceeded

\$5,000.00. Thus, the affiliated committees and Fricano for Congress promptly took appropriate action to comply with the contribution limits.

Three committees affiliated with IUOE/EPEC made contributions to Mr. Fricano's general election campaign for an aggregate contribution of \$5,000.00. Local 17 and Local 832 each made \$2,000.00 contributions in October 1996, and Local 463 made a \$1,000.00 contribution in October 1996.

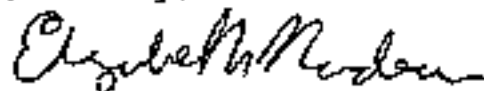
The pages of Local 463's FEC reports, which were attached to the FEC's preliminary review, indicate that Local 463 checked the "general" election box when reporting the June 1996 pre-primary contribution to Fricano for Congress and when reporting the \$500.00 refund from Fricano for Congress. Local 463 has advised me that it has no documentary evidence of its intent when Local 463 made its pre-primary contribution to Mr. Fricano, but it appears that the person responsible for completing Local 463's report inadvertently checked the "general" election box instead of the "primary" election box.

In light of the presumption that when a committee does not designate a particular election in making a contribution to a candidate, the "next election for that Federal officer often the contribution is made" is the election toward which the amount is presumed to be contributed (11 C.F.R. §110.2(b)(2)(ii)), the FEC should presume that Local 463 intended to make a primary election contribution on June 11, 1996. Application of that presumption is appropriate in this case for three reasons: 1) the June 1996 contribution was pre-primary; 2) with the \$500.00 refund from Fricano for Congress, the total amount of the contributions for primary and general elections was \$10,000.00; and 3) Local 463 and Fricano for Congress promptly acted on their own to rectify the \$500.00 contribution in excess of the \$5,000.00 limit for the primary election.

Finally, you informed me that Local 463 need not file an amended report to correct the mischecked boxes, and that my letter to you on Local 463's behalf would serve as the amendment to Local 463's 30 Day Post-General Report for the period of October 17, 1996 to November 25, 1996.

Please contact me if you have any questions.

Sincerely,



Elizabeth A. Nadeau  
Assistant General Counsel  
On behalf of IUOE Local  
463 Federal PAC

**Federal Election Commission**  
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